IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.2122 OF 2004

Mochi Samaj Co-op. Hsg. Society Ltd. ..Petitioners

Vs.

The Commissioner
Solapur Municipal Corpn. & Ors. ..Respondents

Mr.Abhijeet Kulkarni for Petitioners
Mr.Y.B.Mulani, A.G.P. for Respondent Nos.3 & 4.
Ms. Deepti Chand i/b. V.B. Naik for Respondent no.1.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 3RD FEBRUARY, 2005.

P.C.

. The plot was allotted to the petitioners in the year 1969. It appears that the petitioners made representation to the Corporation that the illegal constructions should be removed. In the year 1992 resolution No.748 was passed dated 13th November, 1992 referring to the standing committee resolution No.847 dated 11th December, 1991 to remove the illegal hutments and give those parties alternative land. It is the case of the petitioners that inspite of that the Corporation has not taken any action.

. The writ jurisdiction of this Court is for those who are vigilant about their rights. The petitioners were fully aware as far back as 1992

about the illegal structures but took no action for over the last atleast 13 years. The laches are not being explained. Even though a statutory duty is cast on the Corporation to remove illegal construction if they were put up without licence that by itself does not mean that this Court should exercise its extra-ordinary jurisdiction and when the petitioners are aware of their rights did not take any appropriate steps for all these years. This will not be a fit case to exercise the extra ordinary jurisdiction. It is open to the petitioners to take other remedies available to them in law. With the above the petition is disposed of.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)